

REMARKS

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-30 are pending.
- Claims 17-30 are withdrawn
- Claims 1-16 are rejected.
- Claims 1, 2, 12, and 17 are currently amended.

Paragraph [018] has been amended to correct a grammatical error.

Claims 1, 12, and 17 have been amended to add the recitation that the carbon deposit is implanted “by plasma reaction.” Support for this amendment can be found in the specification, as filed. (See paragraph [017]).

Claim 2 has been amended to broaden it—“covalently” has been replaced by the broader term “chemically.” Support for this amendment can be found in Claim 12, as filed.

Art-Based Rejections

The examiner has rejected claims 1-16 under 35 USC §102(e) as being anticipated by Ndondo-Lay, U.S. Patent No. 6,273,908 -- D1.

Independent claims 1 and 12, as amended, recite that carbon is implanted by a plasma reaction. D1 does not disclose such a plasma reaction for implanting carbon. Therefore, prima facie anticipation has not been made out. Please remove this rejection of the independent claims.

Claims 2-11 and 13-16 depend from Claims 1 and 2, respectively, and contain all the limitations of these claims. This makes the dependent claims patentable over D1 for at least the same reasons that were discussed for the independent claims. Please remove the rejection of these claims, as well.

Furthermore, because prima facie obviousness or anticipation has not been made out, Applicant is under no duty to address the remainder of the Examiner's discussion in this section of the office action including the discussion of the dependent claims. But should such a duty arise in the future, Applicant reserves the right to address that discussion then. Applicant specifically does not acquiesce to the facts, assumptions, or reasoning contained in this section.

With respect to claim 2, D1 nowhere describes a plasma-polymerized film layer on top of an implanted carbon deposit. The section of the specification of D1 cited by the examiner does not pertain to plasma-polymerized films.

With respect to claim 7, D1 nowhere discloses implanting carbon at a depth within a surface of a stent wherein the depth is less than about 2000 Å from the surface of the stent. The section of D1 cited by the examiner does not pertain to a 2000 Å depth.

With respect to withdrawn process claims 17-30, Applicant requests that these process claims be rejoined in accordance with the Guidelines on Treatment of Product and Process Claims issued by the Commissioner to personnel of the Patent and Trademark Office. <http://www.uspto.gov/web/offices/com/sol/og/con/files/cons104.htm>.

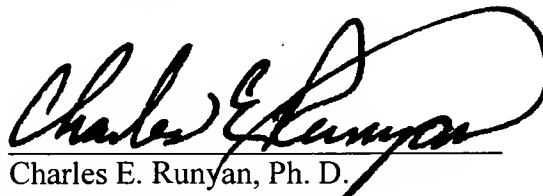
Claims 17-30 are in essence process claims for making the products of claims 1-16 and are commensurate in scope with those claims. Therefore, since Claims 1-16 are allowable, please rejoin and examine process Claims 17-30.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,

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